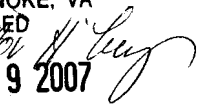


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
AUG 29 2007
JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

PATRICIA S. MITCHELL,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Civil Action No. 5:03CV00004


FINAL ORDER

By: Samuel G. Wilson
United States District Judge

This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable Michael F. Urbanski, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that an order be entered denying the defendant's motion for summary judgment, the decision of the Commissioner be reversed, and remanding the case to the Commissioner under Sentence Four of 42 U.S.C. § 405(g) for appropriate evaluation of the new evidence of exertional and non-exertional limitations from 2000, 2002, and 2003. Objections to the report and recommendation have not been filed, and the court, upon review of the record, is of the opinion that the report should be adopted.

Accordingly, it is **ORDERED** and **ADJUDGED** that the defendant's motion for summary judgment is **DENIED**, the final decision is **VACATED**, the case is **REMANDED** to the Commissioner under Sentence Four of 42 U.S.C. § 405(g), for evaluation of the new evidence of Mitchell's exertional and non-exertional limitations from 2000, 2002, and 2003, and this case is **ORDERED** stricken from the docket of the court.

ENTER: This August 29, 2007.


UNITED STATES DISTRICT JUDGE